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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MAHESH KUMAR PATHAK,

Petitioner,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 EMILIO C. FLORES, Chief of
 Correction, Santa Clara County, Department
 of Correction;
 NANCY ALCANTAR, Field Office Director,
 Office of Detention and Removal,
 Immigration and Custom Enforcement;
 ALBERTO R. GONZALES, U. S.
 Attorney General,

Respondents.

No. C 07-4691 TEH

RESPONDENTS' SUPPLEMENTAL
 BRIEF; AND DECLARATIONS OF
 EMMANUEL ALCALA AND DAVID R.
 POTVIN

Petitioner Mahesh Kumar Pathak is a native and citizen of India, who has been ordered removed from the United States, and who has been in United States Immigration and Customs Enforcement ("ICE") detention since August 3, 2007, pending his removal. On September 12, 2007, Petitioner filed this petition for writ of habeas corpus under 28 U.S.C. § 2241 ("Petition"), challenging his continued detention.

On March 21, 2008, the Court directed Respondents to document "what efforts, if any, have been made to secure travel documents for Petitioner, as well as any other information bearing on

1 the likelihood of Petitioner's removal in the reasonably foreseeable future." March 21, 2008 Order
2 at 1.

3 Respondents began requesting travel documents for Petitioner in August 2007. *See*
4 Declaration of Emmanuel Acala (Acala Decl.), ¶ 5 (Attached hereto as Exhibit 1). Respondents
5 then made a formal request to the Embassy of India in Washington, D.C., for Petitioner's travel
6 documents on September 12, 2007. *See* Declaration of David R. Potvin (Potvin Decl.), ¶ 4
7 (Attached hereto as Exhibit 2). After months of ongoing follow-up requests as documented in the
8 attached declarations, Respondents have now secured travel documents for Petitioner that will
9 expire July 2008. Potvin Decl., ¶ 15. Petitioner will be removed from the United States
10 imminently. Potvin Decl., ¶ 15.

11 The Court also inquired about the status of Petitioner's motion to reopen before the Board of
12 Immigration Appeals (BIA). March 21, 2008 Order. The motion was denied by the BIA on
13 October 31, 2007. The decision is attached as Exhibit 3.

14 Dated: April 7, 2008

Respectfully submitted,

15 JOSEPH P. RUSSONIELLO
16 United States Attorney

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19 /s/
ILA C. DEISS
20 Assistant United States Attorney
21 Attorney for Respondents
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